

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

November 10, 2010

Chairman T. Michalski called the meeting to order at 4:03 p.m. and roll was taken.

MEMBERS PRESENT: L. Spataro, B. Turnquist, S. Warmington, B. Smith, T. Michalski,
W. Parker, B. Larson

MEMBERS ABSENT: B. Mazade, excused

STAFF PRESENT: M. Franzak, M. Cameron, D. Leafers

OTHERS PRESENT: I. Hite, 930 Peachtree; C. Jensen, 1873 LeTart; N. Willcutt, 2975
Beach St.

T. Michalski read a letter of resignation from board member T. Harryman.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of October 14, 2010 be approved, was made by B. Turnquist, supported by B. Larson and unanimously approved.

PUBLIC HEARINGS

T. Michalski stated that a request had been received to withdraw case number 2010-39 regarding a Special Use Permit for 248 Mason Ave. Board members concurred that the case could be withdrawn, per the applicant's request. The applicant indicated that they may resubmit the request at a later date.

Case 2010-38: Request for a Special Land Use Permit per Section 2203, #1 of Article XXII of the Zoning Ordinance, to allow an expansion not exceeding 30% of a nonconforming structure at 2990 Country Club Dr, by Ira Hite Builders, LLC. M. Franzak presented the staff report. Zoning of the property is R-1, Single Family Residential, as are properties in all directions. The side setback on the west side of the home is just over five 5 feet, which makes this structure nonconforming, since the side setback in all R-1 districts must be at least 6 feet. The home currently measures 2,532 square feet. The applicant is proposing a new three-season room in the back of the house, and a new porch and stairs in the front. Together, these projects would increase the structure by 676 square feet (27%), requiring a special use permit. The Planning Department has no outstanding issues with the site plan, nor do the Public Works, Engineering or Fire Departments. The 1997 Master Plan Future Land Use Map identifies this area as residential. Based on compliance with the 1997 Master Plan, staff recommends approval of the request. Staff received a letter from J. Moran of 3011 Country Club Dr, who is opposed to the request.

L. Spataro arrived at 4:08 p.m.

I. Hite described the project. T. Michalski asked if the porch would be enclosed. I. Hite stated that it would. C. Jensen asked if there were photos available. I. Hite stated that drawings were

submitted to the Planning Commission members. C. Jensen reviewed those. I. Hite and board members discussed the layout of the front porch and stairs. N. Willcutt stated that there was currently a screened porch in the back and asked if that would be enclosed or added on to. I. Hite stated that another ten feet would be added on. C. Jensen asked why the property was non-conforming. M. Franzak explained the side setback and expansion of non-conforming structure requirements.

A motion to close the public hearing was made by B. Larson, supported by S. Warmington and unanimously approved.

B. Turnquist was concerned that the porch addition would make the property too crowded in the front.

A motion that the special land use permit per section 2203 (#1) of Article XXII of the Zoning Ordinance, to allow an expansion of a nonconforming structure not exceeding 30% at 2990 Country Club Drive, by Ira Hite Builders, LLC be approved, with the conditions that 1) the owner shall permit the Zoning Administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, 2) the special land use permit shall become null and void within one year of the public hearing if the use has not been established or there is a violation of conditions 1 & 2, and 3) the Special Land Use permit document shall be recorded with the register of deeds, was made by B. Larson, supported by L. Spataro and approved, with B. Turnquist voting nay.

Hearing; Case 2010-39: Request for a Special Land Use Permit, per section 401, #6 of Article IV, to allow a convenience store that offers beer and wine in an R-1, Single Family Residential District at 248 Mason Ave, by Kimmie Kaur. This request was withdrawn by the applicant, but may be submitted at a later date.

Hearing, Case 2010-40: Staff-initiated request to amend Section 2324 (Temporary Buildings, Structures and Uses) of Article XXIII (General Provisions) to provide regulations on fencing as part of erosion control measures. M. Franzak presented the staff report. There are many homeowners, especially on Sherman Blvd. and Beach Street, who use temporary fencing to prevent beach sand from piling up in their yard. This method has generally been accepted by the City; however, it is not specifically allowed in the Zoning Ordinance. Staff has received several complaints regarding some homeowners who have tried to use these temporary fences to prevent leaves and/or snow from blowing in their yard. This has generally not been an accepted method of prevention by the City. However, there is nothing in the Zoning Ordinance that allows these fences for sand, but not for leaves and snow. New language regarding erosion control using temporary fencing was proposed.

M. Cameron stated that he had dealt with enforcement on the issue of temporary fencing, and provided some background on what prompted this request. B. Turnquist asked about a suggested time frame for the fencing to be removed. M. Cameron suggested 15 days after the problem desists. B. Smith asked if the requested amendment would cut down on complaints. M. Cameron stated that it should, since certain fences would be specifically allowed, which would also cut down on enforcement problems.

A motion to close the public hearing was made by S. Warmington, supported by L. Spataro and unanimously approved.

A motion that the amendment to Section 2324 of Article XXIII of the City of Muskegon Zoning Ordinance to add paragraph *c. Erosion Control* as proposed, be recommended to the City Commission for approval, was made by L. Spataro, supported by B. Turnquist and unanimously approved.

OLD BUSINESS

None

OTHER

None

There being no further business, the meeting was adjourned at 4:26 p.m.